



Comptroller General
of the United States

Washington, D.C. 20548

144727

Decision

Matter of: All American Moving and Storage--Reconsideration

File: B-243630.2

Date: August 21, 1991

Marshall Kragen, Esq., for the protester.
Linda C. Glass, Esq., and Michael R. Golden, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

The General Accounting Office will not invoke the significant issue or good cause exception under its Bid Protest Regulations in order to review an untimely protest that does not raise an issue of widespread interest to the procurement community and does not provide a compelling reason beyond the control of the protester that prevented the protester from submitting a timely protest.

DECISION

All American Moving and Storage requests that we reconsider our decision in All American Moving and Storage, B-243630; B-243804, July 8, 1991, 91-2 CPD ¶ _____. In that decision, we dismissed All American's protest of the issuance of invitation for bids (IFB) No. N00612-91-B-0139 by the Naval Supply Center Charleston for packing, crating, and drayage of household goods in Memphis, Tennessee because All American's protest was filed with our Office more than 10 working days after the denial of its agency-level protest raising the same issue and, thus, was untimely under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(3) (1991). All American in its initial protest objected to the disclosure of its prices under the prior solicitation and the issuance of the new solicitation for the same requirement. All American asserted that because of the price disclosure, issuance of the new solicitation should have been delayed to avoid an impermissible auction.

We deny the request for reconsideration.

All American in its reconsideration request does not argue that its initial protest was improperly dismissed as untimely but instead argues that its protest should be considered under the good cause and significant issue exceptions found in our Bid Protest Regulations. 4 C.F.R. § 21.2(c).

We will not invoke the good cause or the significant issue exceptions here. The good cause exception is limited to circumstances where some compelling reason beyond the control of the protester prevents the protester from submitting a timely protest. Commercial Energies, Inc., B-242261.2, Mar. 21, 1991, 91-1 CPD ¶ 312. All American filed its protest with our Office over 2 months after receipt of the denial of its agency-level protest. The record before us contains no evidence that All American's failure to submit a timely protest was not within its control. In addition, our Office will not consider the merits of an untimely protest by invoking the significant issue exception, where the protest does not raise an issue of first impression or one that would be of widespread interest to the procurement community. Keco Indus., B-238301, May 21, 1990, 90-1 CPD ¶ 490. The issue of improper price disclosure and the possibility of the creation of an auction situation if the requirement is resolicited has been addressed by our Office. AAA Eng'g and Drafting, Inc., B-202140, July 7, 1981, 81-2 CPD ¶ 16. While we recognize the importance of this matter to the protester, we do not think the specific issue raised in this protest is of widespread interest to the procurement community.

The request for reconsideration is denied.



Robert M. Strong
Associate General Counsel